

Order

Michigan Supreme Court
Lansing, Michigan

July 16, 2010

Marilyn Kelly,
Chief Justice

140179 & (19)

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 140179
COA: 294007
Emmet CC: 08-002988-FH;
08-002989-FH

ROBERT LEE HOAG,
Defendant-Appellant.

By order of April 7, 2010, the prosecuting attorney was directed to answer the application for leave to appeal the October 28, 2009 order of the Court of Appeals. On order of the Court, the answer having been received, the application for leave to appeal is again considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we VACATE the sentence of the Emmet Circuit Court in Docket No. 08-002989-FH only, and we REMAND that case to the trial court for resentencing. The defendant's sentencing guidelines range provided that he be sentenced to an intermediate sanction pursuant to MCL 769.34(4)(a) in Docket No. 08-002989-FH. On remand, the trial court shall sentence the defendant to an intermediate sanction, or articulate on the record a substantial and compelling reason for departing from the sentencing guidelines range in accordance with *People v Babcock*, 469 Mich 247 (2003). In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

July 16, 2010

Corbin R. Davis

Clerk